

FISCAL NOTE

HB 299 - SB 472

March 18, 2007

SUMMARY OF BILL: Specifies that knowingly abusing or neglecting an impaired adult is a Class C felony offense and states that proof of serious bodily injury is not necessary for conviction.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$13,200 / Incarceration*


Assumptions:

- Elder abuse is punishable as a Class C or Class D felony under Tenn. Code Ann. § 71-6-119, depending on the severity of the offense.
- According to the Administrative Office of the Courts (AOC), there has been an average of three convictions of elder abuse per year, FY05-FY06, and one admission to the Department of Correction (DOC) in FY06. DOC estimates that two of the three convictions previously punished as a Class D felony would be elevated to a Class C felony. According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- Two persons will be convicted of a Class C felony of elder abuse and will serve an additional 0.3 years (an increase from a Class D at 0.6 years to a Class C at 0.9 years). The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The additional cost from increasing the average sentence from 0.6 years to 0.9 years is \$6,592.34 (\$19,776.40 - \$13,184.06). The total additional operating cost for 2 offenders per year is \$13,184.68 (\$6,592.34 x 2). No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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